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| 10/677,125 | 09/30/2003 | John C. Krumm | 13768.783.73.1 | 3913 |

47973 7590 11/16/2007
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| EXAMINER | |
|---|---|
| YALEW, FIKREMARIAM A | |
| **ART UNIT** | **PAPER NUMBER** |
| 2136 | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|---|---|---|---|
| **Office Action Summary** | **Application No.**<br>10/677,125 | **Applicant(s)**<br>KRUMM ET AL. | |
| | **Examiner**<br>Fikremariam Yalew | **Art Unit**<br>2136 | |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _08/23/2007_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-10,12-18 and 20-38_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,12-18 and 20-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _10/31/2007_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/23/2007 has been entered.

2. Claims 1-2, 7-10, 12-18, 20-23, 24, 27-29, 33, 36-37 have been amended. Claims 11, 19 were previously canceled. Claim 38 is new added. Claims 1-10, 12-18, 20-38 are pending.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1-10,12-18,20-38 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-10,12-18,20-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Bruckert et al (hereinafter referred as Bruckert) US 5,430,761 in view of Dacosta (US Patent No 6,978,023) and further in view of Sagefalk et al(hereinafter referred as Sagefalk)US Pub No 2003/0220116 A1.

6. As per claims 1,23-24: Bruckert teaches In a network environment, a method/a computer readable medium/system for detecting a proximity of multiple resources and identifying proximate network resources to a network device the method comprising: obtaining signal strength data of a first network device with respect to signals received by the first network device from at least one stationary base station (See Fig 4 step 102 and col 5 lines 37-44,col 6 lines 40-49); determining that the first network device is proximate one or more of the network resources(col 5 lines 25-36); and identifying to the first network device the one or more network resources determined to be proximate the first network device (See col 8 lines 3-9 and col 5 lines 25-36).

Bruckert doesn't explicitly teach obtaining signal strength data of network resources with respect to signals received by the network resources from the at least one stationary base station, the network resources and the first network device being remote to the at least one stationary base station; comparing the signal strength data of the first network device with the signal strength data of the network resources.

However Dacosta teach obtaining signal strength data of network resources with respect to signals received by the network resources from the at least one stationary base station (See col 3 lines 61 through col 4 line 30 and Fig 6 steps 616,618), the network resources and the first network device being remote to the at least one stationary base station (See Fig 3 step 200 and Fig 7 steps 604,606,608); comparing the signal strength data of the first network device with the signal strength data of the network resources (See Fig 6 steps 618). Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Bruckert inorder to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

The combination of Bruckert and Dacosta do not explicitly teach sending to the first client station an identification of the one or more other client stations determined to be proximate the first client station.

However Sagefalk teach sending to the first client station an identification of the one or more other client stations determined to be proximate the first client station (See 0024-0026 and Fig 8E steps 880,886,890).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Sagefalk within the method of Bruckert inorder to provide location based wireless client authentication. (See Dacosta col 2 lines 1-3).

7. As per claim 2: the combinations of Burckrt-Dacosta-Sagefalk teach the method of wherein obtaining signal strength data of the first network device comprises scanning at the first client station for radio signals at radio frequencies (See Burckrt col 2 lines 18-20).

8. As per claim 3: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein scanning for radio signals comprises scanning a subset of channels (see Burckrt col 2 lines 24-57).

9. As per claim 4: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein scanning for radio signals comprises performing a passive scan (See Burckrt col 2 lines 24-57).

10. As per claim 5: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein scanning for radio signals comprises performing an active scan (See Burckrt col 2 lines 24-57).

11. As per claim 6: the combinations of Burckrt-Dacosta-Sagefalk teach the method further comprising mathematically smoothing a plurality of signal strength data into a smoothed value (See Burkrat col 3 lines 21-36).

12. As per claim 7: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein obtaining signal strength data of the first client station comprises receiving a report from the first client station at a server (See Burkrat col 3 lines 14-25).

13. As per claim 8: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein the report is received on a regular basis from the client (See Burkrat col 4 lines 27-47).

14. As per claim 9: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein the report is received as determined by the first client station (See Burckrt col 4 lines 27-39 and col 5 lines 26-36).

15. As per claim 10: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein the other client stations comprise a second client station, and wherein obtaining signal strength data of the client station comprises receiving a report at the second client station from the first client station (See Dacosta col 3 lines 61 through col 4 line 30 and Fig 6 steps 616,618).

16. As per claim 12: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein comparing the signal strength data comprises evaluating a number of base stations in common between the first client station and one or more other client stations. (See Dacosta col 3 lines 61 through col 4 line 30 and Fig 6 steps 616,618).

17. As per claim 13: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein the signal strength data of the first client station comprises a first set of signal strength values, each value associated with each base station of a plurality of base stations seen by the first client station and, wherein the signal strength data of network resources comprises a second set of signal strength values, each value paired with each base station of a plurality of base stations seen by a second client station corresponding to the other client stations, and wherein comparing the signal strength data comprises evaluating signal strength values for base stations seen in common by the first client station and the second client station(See Dacosta Fig 1 steps 110,102 and Fig 6 steps 616,618 ).

18. As per claim 14: the combinations of Burckrt-Dacosta-Sagefalk teach wherein evaluating signal strength values for base stations seen in common comprises, ordering base stations seen in common by signal strength values into a first ordering for the first

client station and a second ordering for the second client station, and determining similarity between the first ordering and the second ordering (See Burckrt col 4 lines 27-39 and col 2 lines 18-33).

19. As per claim 15: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein a server determines that the one or more other client stations are proximate the first network device, and further comprising, the server returning proximity-related data to the first client station that corresponds to the one or more other client stations determined to be proximate the first client station (See Dacosta col 4 lines 8-30 and Fig 6 steps 616,618).

20. As per claim 16: the combinations of Burckrt-Dacosta-Sagefalk teach the method further comprising, at the first network device, querying a database based on the proximity-related data for additional information corresponding to the one or more other stations determined to be proximate the first client station (See Burckrt col 1 line 67 through col 2 line 47).

21. As per claim 17: the combinations of Burckrt-Dacosta-Sagefalk teach wherein the other client stations determined to be proximate the first client station comprises a second client station, and further comprising, receiving at the first network device additional information including biographical information corresponding to a user of the second client station (See Burckrt col 1 line 67 through col 2 line 47).

22. As per claim 18: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein identifying to the first client station the one or more other client stations determined to be proximate the first client station comprises transmitting a list of at least

one proximate client including proximity-related data corresponding to the client, to the first client station (See Burckrt col 4 lines 27-39 and col 2 lines 18-33).

23. As per claim 20: the combinations of Burckrt-Dacosta-Sagefalk teach wherein the one or more other client stations comprises a second client station, wherein the one or more network a server receives signal strength data from the second client station, and wherein the server returning proximity-related data to the first client station that corresponds to the second client station comprises transmitting the signal strength data of the second client station to the first client station (See Dacosta col 4 lines 8-30 and Fig 6 steps 616,618).

24. As per claim 21: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein determining that the first client station is proximate the second client station comprises processing the signal strength data of the second client station at the first client station (See Burckrt col 2 lines 18-33).

25. As per claim 22: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein at least one of the one or more other client stations is fixed, and further comprising, providing a simulated signal strength for the fixed network resource (See Burckrt col 2 lines 18-33)

26. As per claim 25: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the second network the entity comprises a server (See Dacosta col 4 lines 8-30 and Fig 6 steps 616,618).

27. As per claim 26: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the second network entity comprises a different client device in the network (See Burckrt col 1 line 67 through col 2 line 17).

28. As per claim 27: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the proximity-related data comprises a list of other client stations that are proximate the client device (See Burckrt col 2 lines 18-33 and col 4 lines 27-39).

29. As per claim 28: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the client device is a first mobile client device and wherein the separate client station comprises at least one other mobile client device. (See Burckrt col 2 lines 18-33 and col 4 lines 27-39).

30. As per claim 29: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the client program of the first client device processes the signal strengths of the separate client station to determine which client stations are proximate the client device (See Burkrt col 2 lines 18-33 and col 4 lines 27-39).

31. As per claim 30: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the client program receives the proximity-related data from a server (See Dacosta Fig 6 steps 616,618).

32. As per claim 31: the combinations of Burckrt-Dacosta-Sagefalk teach the method wherein the output mechanism comprises a display (See Burckrt col 2 lines 18-33 and col 4 lines 27-39).

33. As per claim 32: the combinations of Burckrt-Dacosta-Sagefalk teach the system of claim 24 further comprising a database, wherein the client program accesses the

database to present the information that corresponds to the proximity-related data on the output mechanism of the client device (See Dacosta Fig 3 step 200).

34. As per claim 33: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the separate client station comprises another client device, and wherein the database returns biographical data corresponding to a user of the another client device for display on the client (See Dacosta col 4 lines 8-30 and Fig 6 steps 616,618).

35. As per claim 34: the combinations of Burckrt-Dacosta-Sagefalk teach the system wherein the another client device comprises a printer (See Dacosta Fig 3 step 200).

36. As per claim 35: the combinations of Burckrt-Dacosta-Sagefalk teach explicitly the system wherein the network comprises a wireless 802.11 network (See Dacosta col 4 lines 42-55).

37. As per claim 36: Burckrt teaches a computer readable storage medium having stored thereon a data structure usable for presenting proximity-related information to a user of a network device the data structure comprising: an identifier field for identifying respective base station See col 8 lines 3-9 and col 5 lines 25-36) nd a signal strength value representative of a signal strength of the network device of the first data field with respect to that respective base station (See col 8 lines 3-9 and col 5 lines 25-36).

Burckrt does not explicitly teaches a plurality of data sets, wherein each data set is specific to a particular network resource and comprises: a first data field for storing a data representative of a respective network device; second field for storing data associating the respective network device of the first data field with one or more base stations where in the second data field for a first network device is configured to be compared with the second data field for a second network device to determine whether the second network device is proximate the first network device so as to report the proximity of the second network device to a user of the first network device.

However Dacosta teaches a plurality of data sets, wherein each data set is specific to a particular network resource and comprises: a first data field for storing a data representative of a respective network device (See Fig 5 step 512 and col 2 lines 17-29); second field for storing data associating the respective network device of the first data field with one or more base stations where in the second data field for a first network device is configured to be compared with the second data field for a second network device to determine whether the second network device is proximate the first network device so as to report the proximity of the second network device to a user of the first network device(See Dacosta col 4 lines 8-30 and Fig 6 steps 616,618 ).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Bruckert inorder to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

The combination of Bruckert and Dacosta do not explicitly teach the second client station is proximate the first client station so as to report the proximity of the second client station to the user of the first client station.

However Sagefalk teach the second client station is proximate the first client station so as to report the proximity of the second client station to the user of the first client station(See 0024-0026 and Fig 8E steps 880,886,890).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Sagefalk within the method of Bruckert and Dacosta inorder to provide location based wireless client authentication. (See Dacosta col 2 lines 1-3).

38. As per claim 37: the combination of Burckrt-Dacosta-Sagefalk teach the method wherein the one or more of the network resources determined to be proximate the first network device includes a network resource not having wireless capabilities, and wherein the signal strength data of the network resource not having wireless capabilities an determined to be proximate the first network device is a simulated wireless signal strength (See Dacosta Fig 2 step 108 and Fig 6 step 616,618).

### *Claim Rejections - 35 USC § 102*

39 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

40. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Sagefalk et al(hereinafter referred as Sagefalk) US Pub No 2003/0220116 A1.

41. As per claim 38: Sagefalk teaches a wireless network having one or more base stations providing a wireless signal to a plurality of mobile client devices, a method for

notifying users of one or more mobile client devices for the proximity of other users of mobile client devices, the method comprising : obtaining signal strength data of a first mobile client device with respect to signals received by the first mobile client device from at least one stationary base station(See Fig 7A steps 714,102); obtaining signal strength data of a second mobile client device with respect to signals received by the second mobile client device from at least one stationary base stations(See Fig 8E steps 880,886); comparing the signal strength data of the first mobile client device with the signals strength data of the second mobile client device (See Fig 8E steps 890 and 0083); determining that the first mobile client device is located at a geographic location that is proximate a geographic location of the second mobile client device(0010-0012 and Fig 8E steps 880,886,890); and sending to the first mobile client device a notice that the first mobile client device is located near the second mobile client device(See 0025-0026 and Fig 8E), the notice to the first mobile client device including at least an identity of the user of the second mobile client device(See 0025-0026 and Fig 8E).

## ***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fikremariam Yalew
11/09/2007
FA

Art Unit 2136

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